

Date: Jan 31 2024

**United States District Court**  
NORTHERN DISTRICT OF GEORGIA

KEVIN P. WEIMER, Clerk

By: Nicole Jenkins  
Deputy Clerk

UNITED STATES OF AMERICA

v.

**CRIMINAL COMPLAINT**

Napoleon Desmon Daniel

Case Number: 1:24-MJ-72

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 12, 2019 in Fulton County, in the Northern District of Georgia, defendant did take a motor vehicle from the person or presence of another by force, violence, and intimidation and aid and abet the use and brandishing of a firearm during and in relation to a crime of violence

in violation of Title 18, United States Code, Sections 2119, 924(c), and 2.

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant  
Matthew Upshaw

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

January 31, 2024

Date

at Atlanta, Georgia

City and State

CATHERINE M. SALINAS

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Theodore S. Hertzberg / 2024R\_\_\_ /

theodore.hertzberg@usdoj.gov



Signature of Judicial Officer

I, Matthew Upshaw, depose and say under penalty of perjury:

**AFFIANT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2021. Prior to joining the FBI, I was a military police officer in the United States Army for nine years. I am currently assigned to the Atlanta Field Division of the FBI and the Atlanta Metropolitan Major Offender Task Force. I am responsible for investigating violent crimes, including bank robberies, commercial business robberies, kidnappings, carjacking, firearms violations, and apprehending fugitives. I have received training in investigating crimes, conducting interviews, and reviewing and analyzing evidence. As a Special Agent, I have reviewed and analyzed electronic evidence in the form of geo-location data, social media accounts, telephone records and other applications used to support criminal activity. I am personally familiar with and have used various investigative methods during my law enforcement career, including, but not limited to physical surveillance, electronic surveillance, informant and witness interviews, grand jury and administrative subpoenas, and court authorized wiretaps.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on the facts below, there is probable cause that Napoleon Desmon DANIEL has committed violations of 18 U.S.C. §§ 2119 (carjacking) and 924(c) and 2 (Aiding and Abetting Use and Brandishing of a Firearm During and in Relation to a Crime of Violence).

### **PROBABLE CAUSE**

4. On November 12, 2019, the Atlanta Police Department (APD) responded to a carjacking that occurred at 2900 Campbellton Rd SW (Big H Food Mart). The victim of the carjacking was Anthony Davis. Davis stated, and security footage obtained by APD confirmed, that he had parked his car, a silver Chevrolet Cavalier, in front of the Big H Food Mart and then went into the store. After Davis exited the store, two unknown individuals (hereinafter “the robbers”) confronted him. Robber 1 was later identified as Quantavious Arnold. Robber 2 was a black male with short black hair who wore a blue coat with a white collar and blue jeans. Arnold confronted Davis first when Davis was in between his car and another car (the “Suspect Vehicle”). Davis attempted to walk away, but Arnold pulled him back in between the two cars. Robber 2 then exited the front passenger seat of the Suspect Vehicle and confronted Davis as Davis was arguing with Arnold. Robber 2 went through Davis’s pockets and handed off the contents, including a key for the aforementioned Chevrolet Cavalier, to Arnold. Robber 2 re-entered the Suspect Vehicle and fled the scene. Arnold entered Davis’s vehicle and fled the scene.

5. Davis’s Chevrolet Cavalier was not manufactured in the state of Georgia.

6. APD detectives were able to identify DANIEL as a possible subject of the carjacking through Big H Food Mart security footage. DANIEL had been trespassed from Big H Food Mart on November 8, 2019, four days prior to the carjacking.

7. On November 26, 2019, APD detectives presented two photo lineups to Davis for subject identification. APD presented six photos to Davis for each possible subject. Each set of six photos contained the subject (either DANIEL or Arnold) and five other men with similar physical characteristics. When Davis was presented with the photo lineup for

DANIEL, Davis positively identified DANIEL as one of the robbers, writing “This is the suspect. I am 100 percent sure this the guy” next to DANIEL’s photo and signing his name.

8. APD detectives determined that the Suspect Vehicle was registered to Ronnie Ogletree (Ronnie). On November 28, 2019, Ronnie told investigators that his daughter, Deandre Ogletree (Ogletree), had used the Suspect Vehicle on November 12, 2019. On December 3, 2019, APD detectives interviewed Ogletree, who told investigators Arnold and DANIEL had committed an armed robbery at Big H Food Mart but that she was unaware of what had happened until DANIEL told her afterwards.

9. APD apprehended Arnold on November 22, 2019. On November 3, 2021, in Northern District of Georgia Case No. 1:20-CR-244-LMM-CMS, Arnold pled guilty to the federal offenses of carjacking, brandishing a firearm during and in relation to a crime of violence, and possession of a firearm by a prohibited person arising out of the November 12, 2019 incident described above.

10. Although warrants for DANIEL’s arrest on state charges of Hijacking a Motor Vehicle and Armed Robbery were issued on November 21, 2019, DANIEL was not apprehended until January 30, 2024.

### **CONCLUSION**

11. Based on the information contained in this affidavit, I respectfully submit probable cause exists to believe that Napoleon Desmon DANIEL has committed violations of 18 U.S.C. §§ 2119 (carjacking) and 924(c) and 2 (Aiding and Abetting Use and Brandishing of a Firearm During and in Relation to a Crime of Violence).